
1960s

The Gavel

4-1960

1960 Vol. 8 No. 7

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_gavel1960s

How does access to this work benefit you? Let us know!

Recommended Citation

Cleveland-Marshall College of Law, "1960 Vol. 8 No. 7" (1960). 1960s. 4.
https://engagedscholarship.csuohio.edu/lawpublications_gavel1960s/4

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1960s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.

the GAVEL

VOLUME VIII No. 7

CLEVELAND - MARSHALL LAW SCHOOL - CLEVELAND, OHIO

APRIL 1960

Wives Sponsor Spring Dance

The newly-formed Cleveland-Marshall Law Wives Club is sponsoring a spring dance to be held Saturday evening April 21, between the hours of 8:30 and 1:00, in the Grand Ballroom of the Hollenden Hotel.

Hal Lynn and his orchestra, a widely known and well liked dance band, will provide the music.

Although ordinances prohibit the bringing in of liquor, the hotel will keep a bar open within the ballroom. Drinks, soft drinks, pretzels, and potato chips will be available throughout the entire evening. There will be adequate tables surrounding the dance floor to accomodate the maximum anticipated crowd.

Representatives from the Law Wives Club have been at the school taking reservations during the past week. The ladies will continue to have tickets available for students during the mid-class break and after the final class in both the second floor lobby and in the student lounge.

Reservations, if purchased in advance, are \$4.50. If purchased at the door, the price will be \$5.00. Reservations may be secured either by phone or mail, by contacting either Mrs. Agnes Kermode, 11072 Barrington Blvd., Parma Heights 30, Ohio, telephone, VI-3-2351 or Mrs. Eleanor Harrell, 2779 Carmen Drive, Rocky River 16, Ohio, telephone, ED-1-8339.

Several door prizes, of a yet undetermined variety, will be awarded during the dance.

A favor, in the form of boutonnieres, will be given to the men. Corsages for the ladies have been left up to individual preference.

The dance is informal, however, here again formal attire will be left up to individual choice. The prevailing view concerning the women's gowns seems to be the cocktail dress.

The Law Wives cordially invite faculty, students, alumni and their friends to attend this spring dance which they hope will be the first of many pleasant Law Wives Club activities.



Cleveland-Marshall Law Wives, Elizabeth Haake, Mary Ellen Sanislo, Agnes Kermode and Geraldine Lawrence discuss plans for the Spring Dance.

May Review Out Next Week

The May 1960 issue of the Cleveland-Marshall Law Review will be available to students the first week in May. Advance sheets indicate that this edition will be another excellent product. The review contains twenty-two articles in addition to many book reports.

Highlights of the Review

WILSON APPOINTED

ASSOCIATE PROFESSOR

Milton E. Wilson, a graduate of Cleveland-Marshall in 1953, was recently appointed an associate professor, effective September 1960.

Mr. Wilson, who has taught three sections of Personal Property here at Cleveland-Marshall and is presently teaching two classes in Agency, will teach Constitutional Law, Agency, and Legal Writing I & II.

He received his undergraduate degree from Baldwin Wal-

(continued on page 6)

Thomas Hale Jr., Hospital administrator from Albany Hospital in New York State, replies to Professor Oleck's September 1959, "Doctor, Lawyer, and Hospital Administrator: a New Triangle."

Joan Holdridge, a junior, balances this discussion with a treatise on hospitals and corporate medicine.

In a dissertation bound to create considerable controversy, Jack H. Hudson discusses "outmoded" statutes regulating birth control.

Professor Howard L. Oleck, in an article treating charitable foundations, is critical of what he describes as tax

(continued on page 5)



On April 26 Jim Crow celebrated his ninety-fifth birthday. Born during the Reconstruction Period, the progeny of Southern hate and Northern distain, Jim Crow has propagated hatred and multiplied inequality throughout the entire nation for the past ninety-five years.

He has led every Ku Klux Klan raid. He has screamed for blood at every lynching. He has nailed the humiliating warning "Whites Only" to public places across the South. His satisfaction has been the Little Rocks, the Parkers, the tears, bitterness and misery that exists today throughout the land.

The North too has scars of inequality that cannot be erased. There are no signs, no posted warnings, no flaming crosses. Yet the Northern brand of segregation is no less effective.

Now, after almost a century, a "new birth of freedom" will be possible only if we all agree that Crow must die.

We propose that the Cleveland-Marshall Student Congress, as the representative voice of the student body, introduce a resolution to lend moral support to those student groups throughout the country who are

protesting inequality.

Our generation is not responsible for what Jim Crow has done in the past. But we will be responsible for what he will continue to do if we allow him to live. As potential lawyers we have the added burden and responsibility of protecting the principles upon which this country was founded. A vote of confidence from our Congress would blend as another strong voice with such Universities as Columbia, Chicago, Wisconsin, Michigan, Ohio State, and many others, in a unified denunciation of inequality.

This resolution is not one of choice but rather one of necessity if we are to adhere to our democratic ideals. That the Negro is intrinsically inferior - that it would take too many years to change - that the system and prejudices are too deeply ingrained in "right thinking people" to be disturbed, are foolish and illogical arguments. There is nothing inherently repugnant in the proposition that the Negro and White live together in harmony.

We are faced with a dilemma, that of burying Jim Crow or forever burying the fiction we so proudly call Democracy.

T.M.S.

Law to the Lawless

by Albert Oberst

Catastrophies, both human and natural, bring hardships and chaos. Take for example, the great natural misfortune that struck Agadir Morocco. A great earthquake followed by a tidal wave virtually destroyed this city and its entire population of 48,000. But these forces were just the beginning of a horrible nightmare. No sooner had the confusion and disorder set in, then came the rats, jackals and other forms of pestilence which put the finishing touches that rendered the city uninhabitable.

This was a grim occurrence, but nowhere as grim as a human catastrophe which is allowed to exist in the world today. We are now (as you read this article) being plagued by a more devastating type of pestilence. This one is "noxious to peace, morals and to our society." This plague spreads vicious and harmful germs of hate wherever it is allowed to dwell. You have heard and read of the disease it has caused in Budapest and Berlin. Some of you, no doubt, have experienced its attempts to overcome Korea.

Compare the animal type of pestilence with the human type just mentioned. Notice that they both thrive wherever there is some type of catastrophe. In Agadir when the chaos developed,

the rats, jackals and disease germs took over the entire city thus driving out all human beings. In greater proportions the Communist Party disease

(continued on page 3)

LEXICON

by Pete Roper

Take "me" for example. Here's a fine word, full of meaning for us all. "Me" is a word to be used confidently, not to be avoided because it sounds pretentious, nor replaced by the word "I" in the hope of achieving elegance, as in the sentence, "The client came to see my partner and I."

Somewhere in our educational backgrounds, we've had the words "you and I" drummed into us so much that we feel they are inseparable. The rule is simple enough: never substitute "I" as the object of a verb or preposition.

But there's an easier way of remembering the rule. Merely break your sentence into two parts, like this: "The client came to see my partner. The client came to see me. The client came to see my partner and me."

Here's another example, showing the proper use of the word "I": "John went to the store. I went to the store. John and I went to the store."

Now that you know the test, the words "you and I" are not inseparable for you; they are not inseparable for me. They are not inseparable for you and me!

While this column tries to deal with words which are peculiar to the study of law, it sometimes looks into grammatical constructions which should not be misused by lawyers to whom words are a stock-in-trade.

THE GAVEL

Published monthly by and for the Students of Cleveland-Marshall Law School, 1240 Ontario Avenue, Cleveland Ohio.

Editor in-Chief Thomas M. Shaughnessy

News Editor Daniel O. Corrigan

Feature Editor Leonard F. Lybarger

Editorial Staff: Ethel Koch, Albert Oberst, Pete Roper, John Vamds, Esther Weisman.

Business & Advertising Managers Stephen D. Doboze William R. Murphy Jr.

Faculty Advisor Prof William Samore

Wisconsin and the Presidency

by Leonard F. Lybarger

Now that the political dust has settled and Wisconsin has regained its tranquility, one is left in a quandry as to the significance of the barnstorming efforts of Senators Humphrey and Kennedy. What, if anything, did the outcome of the election mean? Has Kennedy, the "victor," really convinced the Wisconsin voters of his superior qualifications for the office of President?

Undoubtedly, the foremost impression created by their tramping around is that more people liked the way Kennedy shook hands or mouthed political generalities than the way Humphrey did.

Secondly, the populace took a better liking to Kennedy's family than that of Humphrey.

Last of all, and purportedly most important, Senator Kennedy proved (to all Democrats) that he could win more votes in a personality showdown conducted in the backyard of a formidable opponent.

The public, unfortunately, doesn't know more now on how these men stand with regard to the great issues facing the nation than before the election.

Even if it is conceded that presidential primaries in a few "key" states have been an important indication of each party's quickening pulse in the past, their continued importance must seriously be questioned. This is true because the manner in which candidates campaign in these primaries is geared to the level of merely creating the impression of being a "good Joe" or a "nice guy" to as many people as one is personally capable of meeting.

Consequently, few (or none at all) are the times when opponents meet and publicly debate the important issues.

If the money spent by both - a staggering sum - had been used for equal time on statewide television broadcasts wherein both would have debated the issues, there would be no quandry.

Pleasant impressions of Kennedy and Humphrey may have befallen many, but it is doubtful whether these impressions will be turned into intelligent votes at the polls next November. We who did not shake hands have no better criterion.

Letters to the Editor

EDITOR:

Congratulations are in order to the new staff of The Gavel for an excellent first issue. In addition to the informative columns concerning such practical matters as citations and computation of averages, I enjoyed the articles discussing capital punishment, civil rights, and the need for integrity in politics; exhibiting an awareness and insight by fellow students into some of the essential issues of our time.

However, this general theme of idealism was not without a sharply discordant note of bigotry. I am compelled to comment upon the use of the words "spirit of fellowship" and "brotherhood" in the fraternity news column. These words strike me as somewhat incongruous in the light of what I understand to be rather strict limitations on membership eligibility based upon religious affiliations or racial origin.

Admittedly, prejudice and discrimination are terms that have become almost trite by overusage and belaboring, but they are, as ever, practices to be condemned as destructive of human beings. These practices, if present, certainly have no place in a group supposedly devoted to the furtherance of justice among men.

While the inherent value of a legal fraternity is a debatable issue, in the final analysis that is an individual choice. Nevertheless, whatever advantages may be incident to membership should not be denied interested students on such tenuous criteria as apparently exists. This would seem to be particularly pertinent with only one such group in existence at Cleveland-Marshall. It is inconceivable that a group so closely associated with equity and the ideals of justice would deny equal opportunity for membership to all stu-

. . . LAW TO THE LAWLESS
(continued from page 2)

spreads to obliterate all human freedom and impose a world dictatorship.

The troubles which Marxism has caused are obvious. Countless millions of people have been slaughtered and nearly one billion people are mere gears in the tremendously evil machine that has been developed. Communist leaders, as directed by the "communist Blueprint for World Conquest," take diabolical pleasure in promoting world agitation. They intend to develop and continue a system "that is untrammelled by law and is based on violence" where ever weakness and lawlessness is permitted to exist.

Why is a recitation of the evils of Communism necessary? Here is the point. May 1 is American Law Day. This day gives you an opportunity to evaluate your views of our legal system. Of particular importance is the apathy of the good citizens of the United States of America and the free world as exemplified by the continual uncontrollably spread of Communism. This passive indifference will not stop the enormous plague.

We need positive pragmatic laws to end the expansion of those people whose only purpose in life is to cause a "violent revolution." You, as a potential lawyer, statesman and judge, could take the lead in establishing those laws which could outlaw Red Communism or at least diminish its nefarious spread. You can begin by knowing the truth about "Communism" and from this truth will grow laws which will destroy the plague of the lawless "Communism."

dents, and not develop standards more appropriate to legal study than religious belief or racial origin. It would appear that scholarship, integrity and character are more critical and relevant criteria, and interestingly enough these qualities are distributed quite impartially among all creeds and colors.

The same column also contained an adage to the effect that "an organization grows and develops or it decays." Certainly this is one area with room for considerable growth, and some serious reflection by the officers of the fraternity.

Most sincerely,
Joseph A. Becker
2822 S. Moreland Blvd.

May 1st

LAW DAY U.S.A.

The Nation's Tribute to Freedom Under Law

On May Day while millions behind the iron curtain gorge themselves on the half truths of Marxist Communism, a contrasting observance, the third annual observance of Law Day, USA will be held in the United States. Because May 1 falls on Sunday, most of the activities in the schools, courts and civic organizations will take place on May 2. Churches throughout the country, however, have been requested to emphasize Law Day in conjunction with their regular services.

The purpose of Law Day, USA is educational and patriotic. This event is not a "lawyers' day," but a day for honoring the place of law in American life and the contribution which it has made in the nation's growth and development, as well as its great potential as an instrument of world peace.

Law Day gives Americans the opportunity to count their blessings as a people ruled by laws and not by men. It is an appropriate time for us to remind ourselves and our fellow citizens of the value of life under law, so that by better understanding our freedom we may protect it. Lawyers are natural exponents of law and order, and as such, it behooves us all to make Law Day USA 1960 significant in that more people will come to realize the benefits of a government of just laws.

CM WELL ACCEPTED

IN BOULDER

"It's too good for a night school law review . . . "We use the Cleveland-Marshall Review as a reference for many of our own articles . . . "

Miss Joan Holdridge, Issue Editor of the May Law Review, was met with a barrage of such comments at the Law Review Editors Convention in Boulder Colorado, April 10, 11 and 12. Such favorable comment, coupled with a recent statement by John Hervey, the inspector of law schools for the American Bar Association, to the effect that the Cleveland-Marshall Review was, in its field, the best in the country, is certainly com-

plimentary to Cleveland-Marshall and particularly complimentary to the Law Review staff and advisors.

Miss Holdridge reports that the convention was both interesting and informative. During the three days the group discussions covered all phases of law review work. Specialization was stressed, particularly specialization within the various states according to a pre-conceived plan.

The Harvard Blue Book, a format for law reviews, was discussed. The conclusion and general tendency seems to be a digression from its rather rigid rules to a more simplified form.

Scholastic credit for law review participation was given some time. Different schools vary from a minority that give no credit to a few that give nine credit hours. Cleveland-Marshall gives three hours.

Miss Holdridge comments that Cleveland-Marshall's position among other law schools remains unique. Cleveland-Marshall was the only school represented where students wrote lead articles for the review.

This uniqueness is further exemplified by the fact that the Cleveland-Marshall law review staff has been able to continuously turn out a quality product with a staff composed of part-time students and advisors who, in addition to their work with the review, carry a full teaching schedule. This has caused considerable amazement and admiration in other schools where the job of faculty advisor is many times a full-time position and where scholarships and salaries for both editors and advisors are common.

The 1961 convention will be held in Madison Wisconsin at the University of Wisconsin. A proposal, introduced at the past convention, to create a nation-wide pool of law review articles, will head the agenda for discussion at that convention.

SENIOR OFFICERS ELECTED

In an open class election the following seniors were elected class officers:

President; Patrick J. Moran, Jr.; Vice President, Donald O'Connor; Secretary, Shirley M. Shanafelt; Treasurer, Charles S. Haake.

FIVE ARE CANDIDATES by Ethel Koch

Three juniors, a senior and a sophomore are running for the State Legislature in the May 3 primary.

Hoping for the call to Columbus are:

Anthony O. Calabrese Jr., who lives at 1102 Mt. Overlook, Cleveland. Mr. Calabrese is a junior and has been interested in politics since he was fifteen. His father is a State Senator and Anthony hopes to make it a father-son team in the fall. He is a graduate of John Carroll University, a member of the Young Democrats of Cuyahoga County, and a member of the Knights of Columbus and ward clubs.

Winifred Duton, a Republican, is the only woman on the Republican ticket in Cuyahoga County. Miss Duton, a junior, received her undergraduate degree from Miami University. She resides at 2193 Grandview Avenue, Cleveland Heights. Winifred has been active in politics on the national, state and local levels and is affiliated with the Greater Cleveland Young Republican Club and the Western Reserve Women's Republican Club. She has worked part time as a claims examiner for William Saxbe, Attorney General.

George Joseph, Jr., a sophomore, ran for City Council in the last election in Lakewood. He lives at 2089 Halstead Ave., Lakewood. Mr. Joseph is a member of the Young Democrats of Cuyahoga County, the City Club of Cleveland, the Lakewood Democrats, the Lakewood Slovak Democratic Club, the Civic Club of Lakewood and the Delta Theta Phi Fraternity.

Edward L. Kornowski, a senior, has been active in community affairs in Bedford for many years. Mr. Kornowski was Treasurer of the Bedford Democratic Club for two years and a former Councilman of that city. He is a member of the Thirteenth Ward Democratic Club and has been Treasurer of the Bedford's Citizen League for the past four years. Ed is a member of the Delta Theta Phi Law Fraternity.

Walter J. Martin, a Democrat, is a graduate of John Carroll University and resides at 2185 Riverside Drive, Lakewood. A Junior, Mr. Martin is a member of the Knights of Columbus, the Sales Executive Club, the Lakewood Kiwanis Club and the Lakewood Democrats. He has been active in politics in Ward One for several years and has done considerable campaign work for James Stanton and Frank Celeste.

frat news

by John Vamis

At last it can be confidently stated, with the certainty of the cold logic of the balance sheet, that the Annual Dance was a financial success. At the regular business meeting held on April 8, Brother Gene Danoff, as Clerk of the Exchequer gave a financial accounting of the dance which indicated that, thanks to a number of sizable contributions, the balance was "in the black." Considering that the Fraternity spared no expense to make the dance a social success, this financial accounting reflects again the generally held view that widespread student support and diligent efforts of Delts combined in a very successful social venture.

Brother Danoff's report did, however, strike a rather sorrowful note in indicating that a surprisingly large number of Brother Delts have been negligent in their dues. The situation is so bad that Brother Fred Lick announced that a sustained and vigorous effort will be made to collect from the negligent members. The Fraternity relies completely on the dues for operating funds. Needless to say, without 100% support the organized activities are considerably hampered.

The Fraternity has found it necessary also to correct another serious problem of quite a different nature. At the March 11 regular business meeting the brotherhood was considerably hampered by prolonged and round-about unorthodox debate in the regular order of business. The long-winded and frequently disoriented discussions resulted in spending over an hour in the March 11 meeting on one single motion. To correct this condition all members will be required to purchase a copy of Roberts' Rules of Order, which are being obtained for this purpose, as well as copies of the Fraternity Constitution and By-laws. Furthermore, Brother Lick announced at the April 8 meeting that every member will be required to present all motions in writing prior to discussion on the motion. The purpose of this requirement is to assist both the brother proposing the motion as well as the entire membership in completely identifying the motion under consideration.

The membership drive, headed by Brother Jim Kilcoyne, culminated in the admission on April 8 of one of the largest single group of new members in the history of the Fraternity. Brother Kilcoyne gave recognition to Brothers John Hickey, John Martindale, and George Joseph for their very able assistance in the processing of the applicants.

(continued on page 6)

LAW REVIEW . . .

(continued from page 1)

gimicks - so called public benefactors who set up foundations that are supposedly charitable, but actually make it possible for these hypocritical pillars of society to control money from the grave and to better compete with other business men. The article is not un-controversial.

George E. Hall, Executive Secretary of the American Medical Association, contributed an interesting paper with a medical legal slant.

William and Cathy Hotes, a student husband and wife team, discuss tort law in a study that should be both interesting and informative.

LAKEWOOD VILLAGE TAVERN

13437 Madison Avenue

There's a tavern in the town
Where good fellows gather 'round

'till 2:30

Sallie Richards
Class of '59

MATTHEWS

HOW TO TRY A FEDERAL CRIMINAL CASE

(What to do -- How to do it)
Step by Step Procedure

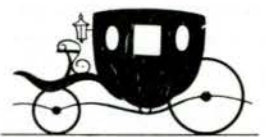
2 Volumes

\$36.00

Published and for sale by -

DENNIS & CO., INC.
251 Main Street, Buffalo 3, N. Y.

Morley Ltd.



DISTINCTION FOR MEN

2752 VAN AKEN BLVD.

AT SHAKER SQUARE

THE QUINCY SAVINGS

and Loan Company

Accounts
Insured
to \$10,000

4%

Loans
for
Home Ownership

SAVE BY MAIL

8309 QUINCY AVENUE
CLEVELAND 4, OHIO

SW-1-7200



ELECT . . . Republican

Winifred A. Dunton

State Representative

Primary Election Tuesday, May 3, 1960

CONGRESS APPROVES

PROCTOR SYSTEM

The most important legislation to come out of recent Student Congress Meetings has dealt with the installation of the proctor system in examinations.

The following points were discussed and approved:

(1) that a minimum of two proctors be present during each examination, (2) that they be alert at all times, (3) that only one student be allowed to leave the room at a time, (4) that there be sufficient space between desks, (5) that no books or notes be allowed in the room; (6) that bluebooks be available only in the examination room; (7) That immediate departure of students be required upon completion of the examination.

The Congress further urged that students not taking exams be particularly quiet and considerate of those that are.

Approval of the Administration was requested and obtained. The proctor system became effective during the senior and junior examinations in April.

Although other methods were discussed, the Congress felt that the proctor system would better achieve the desired results.

FRAT NEWS . . .

(continued from page 5)

Brother Kilcoyne and co-workers are to be commended for their presentation to the Fraternity of a fine group of new members.

The Smoker held on March 25 at the Dokey Club was very well attended - and an extra bouquet of roses to Brother Joseph for an excellent job of publicity.

Installation of new members will take place at a luncheon on April 30 at the Cleveland Athletic Club. Welcome new members!

WIVES CLUB ADOPT CONSTITUTION,

ELECT OFFICERS

At the March 27 meeting the newly-formed Wives' Club voted and approved a constitution. At the same meeting the following officers were elected:

President, Judy Seuthe; Vice President, Nancy Harrington; Recording Secretary, Frances Stein; Corresponding Secretary, Barbara McClain; Treasurer, Joan Cannon; Public Relations Chairman, Mary Ellen Sanislo; Social Chairman, Jean Spira; Hospitality Chairman, Geraldine Lawrence; Members-at-large, Audrey Sherman, Phyllis Murray and Agnes Kermode; Parliamentarian, Jo Kestner; Ways and Means Chairman, Irene Harpst.

The next meeting is scheduled for Sunday May 29.

WILSON . . .

(continued from page 1)

lace College in 1946 and did post-graduate work in history and Constitutional history at the Universities of Chicago, Wyoming and Western Reserve. He passed the Ohio Bar in 1953 and has been in private practice in Berea, Ohio since that time.

During the years he attended Cleveland-Marshall, he coached football and taught at North Olmsted High School.

Mr. Wilson makes his home in Berea, Ohio with his wife and two small children.

Lowest price on New and Used
Law Books and Reviews

at

F I E L D S' B O O K S T O R E

(Yours for lower cost of
higher education . . .)

10608 Euclid Avenue SW-1-7766

(next to the University Theatre)
Free patron parking at the 107th
Greyhound lot.

COUNTY SQUARE RESTUARANT

"A good place for
food before class.
A good place for
relaxation after
class."

County Square
Resturant
1212 Ontario

HARRINGTON AUTO IMPORTS, INC.

573 East 185th Street
Cleveland 19, Ohio

SWEDISH sales & service
SAAB

(We service all foreign
cars)

See Don Harrington

Phone IVanhoe 6--5040



WOMEN'S FEDERAL SAVINGS AND LOAN ASSOCIATION OF CLEVELAND

Accounts
Insured
to \$10,000

4%

Loans
for
Home Ownership

MAIN: 320 Superior Ave., opposite Public Library

BRANCH: 2261 Warrensville Center Rd., at Silsby

now
The Lawyer's Bank
has 2
downtown offices



THE CONTINENTAL BANK
14th at Euclid • East Ohio Bldg.
SU 1-3355 • MA 1-7800

SPECIALIZING IN
new corporation accounts, estate,
escrow and trust funds

MEMBER F.D.I.C.